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OFFICE OF PETITIONS

In re Application of : ON PETITION
Czech et al. :
Application No. 09/852,123 :
Filed: May 8, 2001 :
Atty Docket No. Micronas.6247 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed July 21, 2005, to revive the above-identified application.


The petition is **granted**.

The above-identified application became abandoned for failure to file an appeal brief after filing a Notice of Appeal. Applicant filed a Notice of Appeal on October 20, 2004. Thereafter, Applicant was given two (2) months within which to file an appeal brief. Extensions of time under 37 CFR 1.136 were available. Applicant failed to file an appeal brief. Since no claims were allowed, the application became abandoned on December 20, 2004. See, 37 CFR 1.192 and MPEP 1206¹.

With the instant petition, Applicant has filed an appeal brief and met the requirements for a grantable petition under 37 CFR 1.137(b).

This application is being returned to Technology Center 2826 for processing of the Appeal Brief in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions

¹ Although failure to file the brief within the permissible time will result in dismissal of the appeal, if any claims stand allowed, the application does not become abandoned by the dismissal, but is returned to the examiner for action on the allowed claims. See MPEP § 1215.04.